2006 Election Verification Exit Poll Project Plan

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Proposal Overview

We will be conducting an exit poll to verify reported election results in selected precincts for the November 2006 elections. In parallel, we will be collecting registration data and election results from the precincts where we poll and tracking it up to the state level. Anomalies in this data will be an independent indication of whether irregularities have taken place. This is a pilot project so as to prepare for more comprehensive election verification efforts in future elections.

Verifying the accuracy of vote counts is essential to the democratic process. In nations where the vote count is suspect, international agencies often fund independent verification efforts. Exit polls, systematic surveys of voters who have just cast their ballots, are crucial to these efforts because they are, in the words of John Tefft, US Ambassador to Georgia, "one of the few means to expose large-scale fraud." In nations with reliable voting systems, such as the UK and Germany, exit poll results are invariably within one or two percentage points of the official numbers.

Unfortunately, exit polls are all but dead in the US. For some time, only a single national exit poll commissioned by a media consortium of the five national news networks and Associated Press has been conducted. In 2002, the results were never released because the consortium "lost all confidence in the polls," perhaps due to discrepancies with official counts in a slew of surprising Republican victories. The 2004 Presidential election was marred by a 7 percentage point – nine million votes -- discrepancy nationwide. Statistical analyses by responsible teams of academics indicate count corruption rather than polling error. A few of the many indicators is that the discrepancy was significantly higher in battleground states, in Bush strongholds, and where more Election Day problems were recorded. Yet the consortium refused to release precinct level data that could have been used to investigate fraud. In 2004 we knew of the discrepancy only because of a technical glitch that prevented the pollsters from promptly uploading "corrected" results, i.e., results that have been adjusted so as to conform to the reported vote counts. In 2006 and future elections only such "corrected" data will be released even to media clients. Of course, once data are "corrected" as such, they are no longer exit poll results; rather, they misleadingly accord unwarranted legitimacy upon the official numbers.

An honest and transparent exit poll can provide confirmation or rejection of reported vote counts. Rigorous statistical design can separate bias in the polls from errors in the count. Such a

survey can also resolve specific allegations of fraud in political jurisdictions and with voting technologies known to have a history of election irregularities. The entire process, survey design, raw data, and all analysis, would be open to public scrutiny.

America needs election verification. No less than (former) USSR Georgians, US Georgians have the right to know when voting machines have not yielded accurate counts and if an election has been tampered with. No less than Germans, British and emerging democracies, Americans need elections that are run fairly and that inspire confidence. Until our government provides a voting system that we can trust, a rigorous, transparent, public exit poll provides our best assurance of obtaining honest election results.

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1. About Exit Polls

When properly conducted, exit polls should predict election results with a high degree of reliability. Unlike telephone opinion polls that ask people which candidate they intend to vote for several days before the election, exit polls are surveys of voters conducted after they have cast their votes at their polling places. In other words, rather than a prediction of a hypothetical future action, they constitute a record of an action that was just completed. Around the world, exit polls have been used to verify the integrity of elections. The United States has funded exit polls in Eastern Europe to detect fraud. Discrepancies between exit polls and the official vote count have been used to successfully overturn election results in Ukraine, Serbia, and Georgia.

Exit polls can remove most sources of polling error. Unlike telephone polls, an exit poll will not be skewed by the fact that some groups of people tend not to be home in the evening or don't own a landline telephone. Exit polls are not confounded by speculation about who will actually show up to vote, or by voters who decide to change their mind in the final moments. Rather, they identify the entire voting population in representative precincts and survey respondents immediately upon leaving the polling place about their votes. Moreover, exit polls can obtain very large samples in a cost-effective manner, thus providing even greater degrees of reliability.

The difference between conducting a pre-election telephone poll and conducting an Election Day exit poll is like the difference between predicting snowfall in a region several days in advance of a snowstorm and estimating the region's overall snowfall based on observed measures taken at representative sites. In the first case, you're forced to predict future performance on present indicators, to rely on ambiguous historical data, and to make many assumptions about what may happen. In the latter, you simply need to choose your representative sites well. So long as your methodology is good and you read your measures correctly, your results will be highly accurate.

1.1 How Exit Polls Work

There are two basic stages of an exit poll. The exit pollster begins by choosing precincts that serve the purpose of the poll. For example, if a pollster wants to cost effectively project a winner, he or she may select "barometer" precincts which have effectively predicted past election winners. If a pollster wants to understand demographic variation in the vote, precincts can be chosen to collectively mirror the ethnic and political diversity of the entire state. Verification of election integrity entails a different precinct sampling procedure depending on the system's vulnerabilities.

The second stage involves the surveys within precincts. On Election Day, one or two interviewers report to each sampled precinct. From the time the polls open in the morning until shortly before the polls close at night, the interviewers select exiting voters at spaced intervals (for example, every third or fifth voter). Voters are either asked a series of questions in face-to-face interviews, or, more commonly, given a confidential written questionnaire to complete. When a voter refuses to participate, the interviewer records the voter's gender, race, and approximate age. These data allow the exit pollsters to do statistical corrections for any bias in gender, race, and age that might result from refusals to participate. For example, if more men refuse to participate than women, each man's response will be given proportionally more weight.

Voting preferences of absentee and early voters can be accounted for with telephone polls.

1.2. A Brief History of Exit Polling in US Elections

Exit polls were first developed in the 1960s, born of a competition among the networks to rapidly project election results and advances in computer technology that enabled the analysis of large amounts of data.[1] The first exit polls were conducted independently by NBC and CBS in the June 1964 California Republican primary.

From the outset, the polls performed well. Until the 2000 election, the only significant controversy about exit polls occurred in 1980, when exit polls allowed NBC to project a victory for Ronald Reagan three hours before the close of voting on the West Coast. Critics blasted the polls and NBC for calling the election before everyone had voted. In 1984 this was repeated with all three networks declaring victory for Reagan over Walter Mondale hours before the polls closed in the West. During a subsequent House Subcommittee hearing, executives from the three networks agreed not to project races until everyone had voted.

No one, however, debated the accuracy of exit polls. Scholars and practitioners, supporters and critics all agreed. In 1987, *Washington Post* columnist David Broder wrote that exit polls "are the most useful analytic tool developed in my working life."[2] And according to Albert H. Cantril, a leading authority on public opinion research, "As useful as pre-election polls may be for measuring the evolving disposition of the electorate, they are not nearly as powerful as exit polls in analyzing the message voters have sent by the ballots they cast."[3] While political scientists George Edwards and Stephen Wayne put it this way: "The problems with exit polls lie in their accuracy (rather than [in their] inaccuracy). They give the press access to predict the outcome before the elections have been concluded."[4]

That assessment was revised following the 2000, 2002 and 2004 elections. Since 1992, the media has joined forces to conduct a single exit poll, reportedly for economic reasons, and a single poll has been held since. The polls were conducted under the auspices of Voter News Service (VNS). In the 2000 Presidential election VNS and exit polls in general were tainted by two highly consequential failed calls in the state of Florida. The first call was for Gore, after VNS projected a victory, based on exit polls suggesting 7.3% Gore victory (an exit poll discrepancy in Florida that has never been investigated); the second proclaimed a Bush victory based on a computer error. In the 2002 elections, VNS suffered a computer meltdown. (These data have never been made available).

That led to the demise of VNS. The exit poll for the 2004 federal elections was conducted by a new creation, the National Election Pool (NEP), likewise a consortium of six news organizations (ABC, AP, CBS, CNN, Fox, and NBC) that pooled resources to conduct a thorough survey of each state and the nation. NEP, in turn, contracted two respected firms, Joe Lenski's Edison Media Research and Warren Mitofsky's Mitofsky International, to conduct the polls.

1.3. Using Exit Polls to Ensure Election Integrity

Despite the 2002 meltdown and attribution of error in the 2000 and 2004 US exit polls, there is a worldwide consensus that a highly transparent exit poll is one of the best means available to ensure an honest election.

When Mexico sought legitimacy as a modernizing democracy in 1994, Carlos Salinas instituted reforms designed to ensure fair elections. A central feature of those reforms was exit polls.[5] In the 2000 election, the Televisa television network, partly in an attempt to ensure against vote fraud, hired Mitofsky to conduct Mexico's exit polls.[6] Perhaps not coincidentally, this was the first time in the Mexican Institutional Revolutionary Party's (PRI) seventy-two-year history that it lost an election.[7]

In established democracies, exit polls play a central role both in ensuring election integrity and in quickly projecting results. In Germany, the entire process is totally transparent. The minute the polls close, television stations publish exit-poll projections conducted by independent firms. The exit-poll results provide independent data that can be compared to the official tallies. They also provide the nation with an immediate projection of the winner and mitigate the need for a rapid count. (Like most democracies, Germany, despite its technological prowess, votes by hand-marked ballots, counted in full public view by volunteer representatives of the political parties.) This highly transparent system provides good evidence of just how reliable exit polls are. In three recent years for which data are available, exit polls for both the German national elections and the German elections for the European parliament have averaged results within 0.44 percentage points of the official results. (Freeman & Bleifuss 2006: Appendix A.)

Such accuracy is not unique to Germany. In the May 2005 British national election, a first-time exit-poll initiative was right on the mark. The poll predicted Labour would have a 37% share of the vote, against the Tories with 33% and Liberal Democrats with 22%. The official count was Labour 35.3%, Tories 32.4%, and Liberal Democrats 22%.[8]

The United States and international agencies have funded exit polls throughout the former Soviet Union and elsewhere in Eastern Europe as a way to ensure clean elections. When exit polls

in March 2000 and again in March 2004 closely matched the official count in Russia, the international community and Russians themselves were reassured that, whatever their feelings for Putin, the electoral system worked; he had gone before the people to approve of his presidency, and they had ratified it.

Discrepancies between exit polls and the official vote count have been used to successfully overturn election results in Serbia, the former Soviet Republic of Georgia, and most recently in Ukraine. In 2003, George Soros's Open Society Georgia Foundation hired Global Strategy Group to conduct an exit poll for Georgia's parliamentary election. The exit poll projected a victory for the main opposition party. When the sitting government announced that its own slate of candidates had won, supporters of the opposition stormed the parliament. With support from both the United States and Russia, they forced President Eduard A. Shevardnadze to resign.[9]

Using exit polls to help expose fraud is so generally accepted that the Bush administration helped pay for them during the 2004 elections in Ukraine. In Ukraine, exit polls in the November 22, 2004, runoff election indicated that Viktor Yushchenko would defeat the incumbent Viktor Yanukovych. Yet in the official count Yanukovych prevailed with a narrow victory.[10] Following international protests and a national uprising, a new election was called. In testimony before the House International Relations Committee, Senator Dick Lugar (R.-Ind.) called on the State Department to help ensure that the new election would be fair. "I urge the Department to provide the funds necessary, as quickly as possible, to assist the Ukrainian people in their goal of free and fair elections. Specifically funds will be used to support election observers, exit polling, parallel vote tabulations, training of election commissioners, and voter education programs."[11]

In testimony before the same committee, Ambassador John Tefft, then deputy assistant secretary for European and Eurasian Affairs, said the Bush administration helped fund exit polls because they could be used to expose fraud. "The United States government has worked consistently throughout 2004 to promote a free, fair campaign and election in Ukraine," he said. "We have tried to 'raise the bar' for fraud by focusing our assistance in ways that would help to expose large-scale fraud (such as parallel vote counts and independent exit polls)."[12] And he pointed to the discrepancy between exit polls and the official vote count to argue that the November 22, 2004, Ukraine election was stolen. He said, "It is impossible to know what the real numbers were, but a large-scale (20,000 respondents), nation-wide anonymous exit poll conducted by a consortium of three highly respected research organizations (partially funded by the United States Government) projected Yushchenko the winner." The results of the December 23, 2004, repeat election bore Tefft out, as a victorious Yushchenko, battling the effects of an assassination attempt by poisoning, was elected to office.

1.4. Optimizing Exit Polls to Detect Fraud

A media pollster is constrained to poll a demographically representative sample of precincts, and to complete all data collection and analysis in a few short hours. A poll optimized from the design stage to detect fraud is free from these constraints. This freedom can be used to design a poll that is sensitive to irregularities in the official count, and self-correcting with respect to polling error.

In particular, we plan to design our poll to anticipate the kind of objections that were raised when the Mitofsky/Edison exit poll was used to discredit Bush's 2004 victory. When the exit

poll results differed widely and consistently from official vote counts, apologists for the establishment, led by Mitofsky himself, claimed that the problem lay with the poll, not with the count. They promulgated the theory that various attributes of the temporary employees hired as pollsters – their age or their race or their politics – predisposed Democratic voters to respond to the poll in greater proportions than Republicans.

Potentially, this thesis is easy to dispute, if the poll is designed from the bottom up to separate polling error from vote counting error. We plan to assign individual pollsters to different sites for the morning and the afternoon. This practice will generate a grid of four sets of data:

- Pollster A polling site 1
- Pollster A polling site 2
- Pollster B polling site 1
- Pollster B polling site 2

It will then become apparent: does the disparity follow the pollster from site to site, or does it follow the site from pollster to pollster? If, as we expect, the error lies not with the polling but with the vote count, then we will have clear evidence to present to critics and to the public.

2. The Need for an Exit Poll to Verify US Election Integrity

2.1. Problems with US Elections

Few people are as familiar with running fair elections as former President Jimmy Carter, whose Carter Center has monitored more than fifty elections worldwide. In September 2004, Carter predicted that the upcoming U.S. election would be as contentious as the one in 2000, with Florida again at the center of the storm. He wrote that "basic international requirements for a fair election are missing in Florida," the most significant of which are:

- A nonpartisan electoral commission or a trusted and nonpartisan official who will be responsible for organizing and conducting the electoral process before, during, and after the actual voting takes place. . . . Florida voting officials have proved to be highly partisan, brazenly violating a basic need for an unbiased and universally trusted authority to manage all elements of the electoral process.

- Uniformity in voting procedures, so that all citizens, regardless of their social or financial status, have equal assurance that their votes are cast in the same way and will be tabulated with equal accuracy. Modern technology is already in use that makes electronic voting possible, with accurate and almost immediate tabulation and with paper ballot printouts so all voters can have confidence in the integrity of the process. There is no reason these proven techniques, used overseas and in some U.S. states, could not be used in Florida.

It was obvious that in 2000 these basic standards were not met in Florida. . . . It is unconscionable to perpetuate fraudulent or biased electoral practices in any nation. It is especially objectionable among us Americans, who have prided ourselves on setting a global example for pure democracy. With reforms unlikely at this late stage of the election, perhaps the only recourse will be to focus maximum public scrutiny on the suspicious process in Florida."[13]

2.1.1. "Conventional" Election Fraud

The big story in 2004 was the swing state of Ohio, with its 20 electoral votes, where the presidential election is thought to have been decided. In Ohio, secretary of state Kenneth Blackwell, in the tradition of former Florida secretary of state Katherine Harris, served both as co-chair of the 2004 Bush-Cheney Campaign and the state's chief election official. According to the official count, Bush won the state by 118,000 votes, or 2% of the total vote.

The Conyers report (2005) and a variety of books (Miller 2005; Freeman and Bleifuss 2006; Fitrakis, et al forthcoming), articles (Hitchens 2005; Kennedy 2006), and film documentaries (Fadiman 2006, Brooks 2006, O'Brien 2006) by authors and directors of varied backgrounds and political perspectives document an extraordinary variety of malfeasance around Ohio:

- A bloated victory margin for Bush in Warren County where a Secret Count was conducted due to "FBI terrorist alert," an alert denied by the FBI.

- 25% spoilage in black precincts of Republican Montgomery Co.

- Systematic vote switching in Cleveland: Ballots with candidate position "rotation" tabulated at wrong precincts, resulting in a big net loss of Democratic votes.

- Appalachian and southwestern Ohio precincts with turnout rates approaching 100% and far more votes cast than recorded voters.

- "Ghosts in the machines" of Youngstown and Miami Co.: Voters tried to vote for Kerry, yet Bush's name came up or they cast a vote for Kerry, yet Bush's name flashed briefly.[14]

- Clermont Co. optical-scan scam: Stickers were found covering up Kerry ovals, but no stickers were used at the polls on Election Day.

Moreover, Ohio was almost certainly not exceptional. The pollster who conducted the 2004 exit polls, Warren Mitofsky, has said that other states – he mentioned Kentucky and Louisiana – were worse. Others have claimed that New Mexico, Florida, and Nevada all would have fared almost as badly had investigations been made there. Rather, we know of Ohio malfeasance only because, due to the closeness of the official count, it was the only state where any investigation has occurred.

2.1.2. E-voting: An Invitation to Mass Scale Election Fraud

Worse yet are the problems we *cannot* detect. Incredibly, despite the overwhelming protestations of computer scientists and computing professionals in general, 30% of Americans voted on electronic voting machines that provide absolutely no confirmation that votes are counted as cast. If machines are recording votes inaccurately because of error or malfeasance we have no way of knowing. Few people looked closely at transgressions in the 2004 US Presidential election because Bush won by 3 million votes nationwide and almost 120,000 votes in Ohio[15], but computer scientist and election integrity activist Bruce O'Dell observed:

> It would only take a few malicious insiders to corrupt the master copies of voting software, thereby undetectably altering the behavior of thousands of voting machines. Worse yet, rogue insiders have first-hand, detailed knowledge of any internal security mechanisms

and are thus ideally equipped to subvert them. Since just three companies tally upwards of 80% of the U.S. vote, the potential risk of systematic nationwide manipulation of vote counting equipment by a small group of rogue insiders cannot be dismissed ... These considerations are so obvious to computer professionals that an overwhelming majority of 95% of the computer scientists and software engineers polled by the Association for Computing Machinery in 2004 opposed deployment of unauditable electronic voting systems.

O'Dell also observed: "The ACM is a large group of professionals of very diverse political backgrounds. Outrage is essentially universal across my profession. Imagine, if 95% of a group of structural engineers said a bridge will fall down if you drive on it, would anyone in their right mind still drive on it?" Americans think of Florida 2000 as a nightmare, but at least in Florida we have a partial accounting of what happened. In 2002 and 2004 we had elections that in general seemed to go smoothly but produced unexpected results. DRE voting systems made it impossible to know whether voters behaved unpredictably or the count was tainted by electronic glitches or vote fraud.

2.1.3. Damage Done from Suspicions Left to Fester

Jim Schiller (1999), a Southeast Asian scholar observed: "Elections allow winners to say to losers: 'You have had your say, but we have won. Now you must follow the rules and let us go ahead with our policies.'" But those who lost the election will accept the victors as legitimate only if they believe that they, in fact, had a fair shot, and that even though they may have lost this time, they have a fair chance to prevail in subsequent elections.

A Zogby Interactive online poll one month after the 2004 election revealed that 28.5% of respondents thought that questions about the accuracy of the official count in the election were "very valid," and another 14% thought that concerns were "somewhat valid."[16] Even if our election processes were absolutely honest, the fact that so many doubt that they are undermines the credibility of our government. Our shockingly low turnout, among the lowest in all modern democracies, is in part a result of this lack of confidence in the results. An election can by 100% accurate, but so long as there are justified suspicions are left to fester, the role of elections to confer legitimacy on elected officials has already been lost.

2.2. Lack of Safeguards on US Elections

Transgressions such as these can and do happen because none of the groups that Americans look towards to safeguard the elections effectively did so.

2.2.1. Elections Officers

Rather than acting as impartial arbiters, Chief Elections officers are often themselves the greatest problem.[17] Table 1 lists just a few of the violations in just two states from the two most recent presidential elections.

Table 1. Vote Manipulation by Campaign Managers / Chief Election Officers

Florida 2000 (Katherine Harris)	Ohio 2004 (Ken Blackwell)
• Faux-Felon lists	• Arbitrary guidelines used to selectively reject

- Differential treatment of absentee ballots
- Impossibly tight recount deadlines
- Disregard law to acknowledge voter intent
- Disregard law to conduct machine recount (1/4 of the state ballots)
- Miami manual count obstructed

- registrations in Democratic regions
- Unequal distribution of voting machines
- Impossibly tight challenge deadlines
- Diversion of HAVA funding to observers, who were there to challenge voter qualifications
- Failure to conduct recount
- Obstruction of judicial review
- Attempt to disbar attorneys who contested the election

On December 7, 2004, the Libertarian and Green Parties in Ohio requested that Ohio's eighty-eight counties recount the vote, paying $113,600 to have it done.[18]

Ohio law says that in a recount, a random 3% of a county's votes, from randomly selected precincts, must be counted by hand. But instead of auditing randomly selected precincts as required by law, election officials hand chose precincts that they could easily balance, aided by a "cheat sheet" provided by the voting machine manufacturer.[19]

2.2.2. The Courts

In *Battle for Florida*, deHaven-Smith, a professor of public policy at Florida State University, writes, "As an expert on Florida government and policy, I had been . . . aware that Florida's election laws were being undermined and subverted by the very people who were responsible for assuring their proper execution."[20] DeHaven-Smith expected the dispute over the Florida 2000 election to lead to reforms in the electoral processes similar to those that arose from flawed presidential elections in 1800 and 1876.[21] But, that did not happen. He writes:

> What alarmed me was not the malfeasance and misfeasance of high officials but rather the inability of both the public and the media … to conduct a postmortem of the election fiasco, determine who was responsible for the electoral breakdown, hold officials accountable for any crimes, and enact constitutional and statutory reforms as necessary to root out corruption and to correct flaws in the system.

DeHaven-Smith, a scholar of the political history of Western Civilization, notes that the United States in undermining democracy is following a path of ancient Athens and Rome. Referring to the two great democracies of antiquity, he writes:

> . . . the first step of degeneration was a subversion of law in the name of higher values, such as stability and national security; and the decline into tyranny went unchecked by institutionalized oversight bodies, which we now refer to as the courts, because these bodies themselves became involved in the rivalry fueling the downward spiral.[22]

2.2.3. The Media

Since Bush v. Gore, the U.S. media have systematically avoided any reporting of serious election dysfunctions. Until very recently, the threats posed by electronic voting have largely been ignored. Even now, the New York Times will report on its editorial page that there are weaknesses in the system that counts our votes, but the news page will not investigate or even report evidence that elections have actually been stolen.

A broad variety of commentators have commented on the press' unwillingness to cover and challenge the administration on important issues. Long time White House correspondent Helen

Thomas (2006) insists that the press has been converted from watchdogs to "lap dogs." Foremost among these issues has been the election. Mark Crispin Miller (2005) showed dozens of examples of how "America's servile press" refused to cover malfeasance indicating that Bush may not have won the election. One example will here suffice: Although an exit-poll discrepancy half way around the world in the Ukraine generated front-page headlines here that very same month, an equivalent exit-poll discrepancy here in the United States was insufficient to even make the news. That despite the fact that there were many methodological shortcomings in the Ukraine exit polls, whereas no apparent methodological flaws in the US poll were found that could have caused the discrepancy.

2.2.4. The Opposition

Perhaps the most important reason suspect election results were ignored and a systemic lack of integrity allowed to fester, was that the Democrats did not challenge the count. The thinking goes that if the losing candidate does not question the results, it must be because he or she did in fact lose. After all, if there were even some chance that they actually won, it would seem clear that they would vigorously contest the results. But apparently that is not the case.

Two accounts, one by author Mark Crispin Miller and the other by longtime Kerry adviser, Jonathan Winer, state that Kerry "suspects that the election was stolen, but that he didn't challenge the official results because he lacked hard proof and anticipated a firestorm of criticism if he pressed the point."[23]

Winer, who is also a former deputy assistant secretary of state, told Parry, "Kerry heard all the disquieting stories, but he didn't have the evidence to do more." Winer said that the "disquieting stories" included Republican election officials in Ohio providing an inadequate number of voting machines to heavily Democratic precincts and reports from voters who said that when they cast their ballots on DRE electronic voting machines they saw their vote for Kerry transferred to Bush. On top of that, Winer said, Kerry was mindful of what had happened in 2000, when Gore won the popular vote but lost the election after five Republicans on the Supreme Court stepped in and stopped the recount.

According to Winer, Kerry didn't believe evidence existed that could prove the 2004 Bush-Cheney Campaign committed election fraud in 2004. Further, Kerry knew he would be harshly criticized if he challenged the election results without compelling proof that a crime had been committed.[24]

2.3. Why Media-Sponsored Exit Polls are Inadequate for Election Verification

Given the myriad problems associated with US elections, the current national trend toward relying on electronic voting systems to record our votes inspires little faith in the official count. It would seem that a well-conducted exit poll that confirmed the official count would be about the only reason we would have to believe the results of election systems that used electronic voting and other unverified machine counts. And that a large discrepancy between exit poll results and the official count would raise a field of red flags.

2.4.1. Different Purposes

The overriding reason why the NEP exit poll cannot be used for election verification is that the media consortium that owns it refuses to consider election verification in its domain. One might wonder why this is, given the expectation that the reporting of election transgressions would be news, and in fact reporting of election transgressions elsewhere is news. Be that as it may, the fact remains that the media refuse to consider the possibility of exit poll use for this purpose.

The pollsters have taken great pains to argue that their polls were not designed to verify election results,[25] but rather to provide election coverage support to subscribers – as one set of data that the networks could use to project winners and to explain voting patterns, i.e., who voted for whom, and why people voted as they did.[26]

2.4.2. Lack of Transparency

Part of the reason the US exit poll discrepancy went unreported in the media – and simultaneously raised suspicion on the web – is secrecy and confusion about the data and what exactly is being characterized as the exit poll. If you go to the CNN website or any other website on which 2004 exit poll data are available, you'll see numbers very different from those released on Election Day (Freeman and Bleifuss 2006). This is because the survey results originally collected and presented to subscribers were subsequently "corrected" to conform to official tallies.

The pollsters explain this as a natural procedure: the "uncorrected" data were preliminary; once the counts come in, they recalibrate their original data on the assumptions that the count is correct, and that any discrepancies must have been due to imbalanced representation in their samples or some other polling error.

Whatever the merits of "correcting" exit poll data, it obscures the issue of *why* the "uncorrected" polls were so far off – and even the fact of the discrepancy itself. Although this calibration process may seem perfectly natural to NEP, it confuses nearly everyone else, even sophisticated analysts intimately involved in voting issues. The MIT-Caltech Voting Project, for example, issued a report concluding that exit poll data were consistent with state tallies and that there were no discrepancies based on voting method, including electronic voting systems. But they used these adjusted data to validate the process. In other words, they used data in which the count is assumed correct to prove that the count *is* correct! Sadly, this report was used to dismiss allegations that anything might be awry.[27]

On December 5, 2004, the MIT-Caltech Voting Technology Project corrected its miscalculation and issued an addendum to the report that acknowledged both their mistake and the fact that the exit-poll discrepancy was real:

> Early polls released [and cited by the Voting Technology Project in its report "Voting Machines and the Underestimate of the Bush Vote"] were "corrected" to more closely correspond with officially reported election results, and therefore did not accurately represent the large inaccuracies in exit poll data.[28]

No corresponding correction was ever issued in the *New York Times* or the *Washington Post*, which also cited the Voting Technology Project report. The public record was thus not corrected where it mattered most.

2.4.3. Refusal to Share Relevant Data

The most important reason, however, why an alternative independent exit poll is necessary is because the media treats the data as strictly proprietary. The data needed to properly investigate the integrity of the election have never been made available to independent researchers. Rather, it remains the property of the NEP consortium that commissioned the exit polls, which says it cannot be released. NEP pollsters claim that this is because it could violate confidentiality agreements, i.e., that under some extreme circumstances one conceivably might be able to figure out how one unusual individual in an unusually homogenous precinct may have said he or she voted. Not all American Association for Public Opinion Research (AAPOR) members concur with this assessment. Pollster John Zogby, Freeman (2006), and others have sharply criticized the failure to release this data. The industry statement of professional standards and ethics, "Best Practices for Survey and Public Opinion Research" which reputable polling firms were expected to uphold states members should "Disclose all methods of the survey to permit evaluation and replication." (Warren 2003:51).[29] Be that as it may, the fact remains that independent researchers are not permitted to see the data.

Our exit poll is designed to serve the purpose of election protection. As such, it differs from media-sponsored exit polls whose primary purpose is to aid news organizations predict election winners and provide data on why voters voted as they did. Although news organizations commission exit polls, these results are made public only very selectively. An exit poll whose results are in the public domain is a crucial piece of election protection.

3. Methodology

3.1. Choosing Precincts to Sample

We will choose precincts primarily to achieve three goals:

1. To determine the relative and absolute accuracy of the count relative to survey results, we will sample precincts with varying characteristics of voting technology, partisan control, and racial demographics.

2. To investigate the veracity of results in specific precincts where fraudulent results may be alleged or suspected.

3. To ascertain the reliability of exit polling procedures. For this test, we will want to sample "pristine" precincts where the counts are beyond question.

We will also poll composite predictor precincts. Although this is not the focus of our exit poll verification effort, it is important to ascertain the overall integrity of the election as well. This ensures us against two kinds of concerns: (1) the possibility that those who would engage in election fraud can change course in selected precincts, i.e., those in which we conduct our poll;

and (2) that if we find fraud in selected precincts, that we can have a sense as to whether those precincts are the exception or the rule.

The Warren Poll has used composite predictors, selected for their overall ability to reflect the state's vote as a whole, for over a quarter of a century to predict election outcomes with great accuracy. A total of approximately 2000 voters need to be interviewed, but many of these voters will come from the precincts that will be selected under the verification criteria.

3.2. Sampling within Precincts

Media polls are fraught with methodological shortcomings which leave their results vulnerable to doubt. Analyses and history suggest that exit polls should be accurate nevertheless, but these methodological shortcomings permit some to dismiss them anyway. These shortcomings include:

1. Coverage bias. Typically only one interviewer covers a precinct. They may start late or end early. So if one kind of voter, e.g. Republicans, tends to vote early and/or late, they may be under-represented in the polls. The one interviewer will miss respondents when he or she takes breaks, either for personal needs or to call in results. If a large crowd of voters emerge from the polls at the same time, they may not choose the proper voter, i.e., the $n+1^{th}$ voter rather than the nth voter. It's argued by some election apologists that Kerry interviewers may have systematically chosen to interview Kerry $n+1^{th}$ voters rather than Bush n^{th} voters, thereby causing the exit poll discrepancy. No evidence has been provided to indicate that this is in fact what happened, but in the absence of methodological rigor, it is, in principle, possible.

Having two interviewers per precinct can ameliorate, if not outright eliminate, coverage lapses, and therefore remove doubt about the possibility of coverage or selection bias.

2. Non-response bias. NEP exit polls average about a 53% response rate. This leaves open the possibility that one kind of voters (e.g., Bush voters) are participating at rates sufficiently low that the results are skewed.

Two interviewers per precinct can likewise improve response rates. About one-quarter of non-responses are "misses" rather than "refusals." These misses can be decreased dramatically with the second interviewer.

Another way to improve response rates is to shorten the questionnaire. Many voters presumably do not participate because they are discouraged by the length of the questionnaire. We do not need to ask 25-30 questions as NEP does. We need only two or three questions on voting choices and two or three questions on demographics.

In a few test precincts, we can use some additional techniques to try to push response rates higher yet: e.g., small gifts (see caveat below), or a second request asking simply who they voted for.

3.3. Additional Methodological Rigor

3.3.1. Guarantee of Impartiality

a. Open processes completely to public view, except for disclosure of precincts to be sampled (some of the precincts can be disclosed to the press since they may want to shoot people voting, etc…).

b. Invite members from all political parties and the press to participate.

3.3.2. Training

Our training will focus on accurate recording of results. With less emphasis on calling in results early and often, interviewers can focus on methodological rigor in the obtaining and recording of data.

3.3.3. Paper Records

Maintain paper records of all interviews (NEP doesn't even collect paper records.).

3.3.4. Methodological Review

a. Assemble and conduct a critic's panel.

b. Invite members from all political parties and the press to participate fully.

c. Invite scientists to review methods prior to and post election.

3.4. Special Tests

The 2004 exit poll discrepancy was dismissed because of the possibility that one kind of voters (e.g., Bush voters) disproportionately refused to participate. This is an assumption that has never been substantiated (see Freeman 2006), but nevertheless, this possibility was enough to paralyze those who might have been mobilized to contest the official results.

Special tests, however, can allow us to confirm or reject the plausibility of non-response bias.

3.4.1. Testing for Non-Response Bias – the "Pristine Precinct" Test

There are some precincts which use paper ballots and have open observation. When we are certain of the count, as we are in these (few) "pristine precincts," we have a true benchmark against which we can test the accuracy of survey methods. Observed disparities in these precincts comparable to those observed elsewhere indicate that exit poll discrepancy may be attributed to non-response bias. On the other hand, pristine precincts survey results that match the official numbers indicates the validity of the exit poll.

3.4.2. Testing Directly for Fraud, and Indirectly for Non-Response Bias

A second set of tests we can use to test directly for fraud and also, indirectly, for non-response bias are thorough special efforts to generate very high response rates. NEP exit polls average about a 53% response rate. Two interviewers and shortened questionnaires should

improve those response rates considerably. But even beyond this general improvement, we can use some additional techniques to try to push response rates higher yet.

A. Crack Interview Teams

For a few teams, we will use highly experienced survey researchers working their home district. Interviewer variation in response rates can be quite high. The best interviewers can, under the right circumstances, generate extremely high response rates. Teams can increase response rates higher yet. A highly skilled demographically diverse team can be highly successful in overcoming resistance to participation.

B. Follow-ups

One particular technique successful in other types of survey is the follow-up. One interviewer administers anonymous questionnaires. A second interviewer approaches those who have refused to participate with a second request. If this fails, the second interviewer can simply ask the voter who they voted for.

C. Moving pollsters between sites

We will assign pollsters to swap sites between morning and afternoon shifts. This will facilitate a basis for answering the question, Are disparities between poll and official count attributable to the poll or to the count? Specifically, we will have data on the disparity between polling results and official count in four categories:

| Pollster A at site 1 | Pollster A at site 2 |
| Pollster B at site 1 | Pollster B at site 2 |

This is the basis for a sensitive statistical test of whether the disparity follows the pollster from precinct to precinct, or stays with the precinct, no matter who is polling it. We hope thereby to deflect the central criticism leveled at the Mitofsky poll of 2004, and exit polls in general as indicators of errors and manipulations.

D. "100% Tests"

In the 2004 election exit polls, NEP sampled 49 Ohio precincts. Of these 5 had what would seem like impossibly high disparities between survey results and the count, in that even if every single non-respondent was a Bush voter, the official count would still be too high for Bush.[30] But even these could not prove conclusive in the current environment because of the possibility that interviewers selected out like minded, i.e. Kerry, respondents.

One way to obtain absolute evidence of both fraud and absence of non-response bias is to attempt in a few precincts to survey nearly every voter. This could be done through a combination of large teams/small precincts.

3.5. Differences with media-sponsored exit polls

Freed from the need to predict results on election night and the desire to explain why voters voted as they did, our exit polls can be designed to do a better job of election verification.

No need to project winners, which means:

a. Speed is less critical. We can ensure rigor by eliminating need for speed.

b. Do not need precincts representative of the state electorate.

Differential supporting data: We do not really care why they voted as they did.

Fewer questions can result in higher response rates.

Commitment to transparency

Invite parties, public & press to participate.

3.6. Similarities with media-sponsored exit polls

We also share some similar challenges, for example:
1. the need for secrecy as to which precincts are being polled
2. good access to the polling place

3.7. Additional observation tasks

At close of the polling place

Get a count BEFORE any early votes or absentee ballots are mixed in.

Try to get a count for every machine.

Significant differences in results on particular machines in a precinct may be an indicator of machine corruption.

Central Data Collection

Goal

The goal is to collect data for the county, namely, vote totals broken down by precinct, candidate, and vote-type (early, provisional, machine, etc.). These breakdowns must be simultaneous, e.g., it should be possible to know how many votes for Candidate Smith were recorded on provisional ballots in Parma Ward 3-C. Or how many votes for Candidate Jones were recorded on voting machines on Election Day in Westlake Ward 4-A.

Training:

Sometime before election night, a training session (possibly by conference call).

preparation

Before election night, finding out when and where the vote canvass takes place and making contact with local reporters who cover the canvass; also finding out how and when early votes are processed.

Election Night

A team of (at least) two people needed per county. Election night, after the close of polls: Both people should go to the canvassing location (the central location where all the votes from all the precincts are merged and totals for the county are calculated). There, they must record

(preferably on a computer, but on paper if necessary) all the precinct-level results that are available.

Follow up
After election night: ideally, someone should be at the canvassing location at all times as the absentee, early and provisional votes are counted.

4. Key Steps in the Development of an Election Integrity Exit Poll

1. Getting starting: Meet with the core exit poll team, develop overall game plan

2. Assemble key personnel

3. Conduct a Research Methodology Forum

4. Conduct basic research

5. Choose precincts to survey

6. Recruit and train interviewers

7. Purchase essential equipment for exit polling (e.g., software and computers)

8. Ensure Polling Place access

9. Conduct Election Day exit poll

10. Post-Election Day debriefing session

11. Analyze results and draft report

12. Distribute findings to appropriate groups and interested parties

5. The Budget: Exit Poll Items Requiring Funding

5. 1. Exit poll management team

The team will be responsible for designing and overseeing the entire exit poll project. Ken Warren, Ph.D. is very experienced in exit polling; Steve Freeman is an established researcher of exit polling. Ideally, the team will include a third member capable of serving as contributor and critic of the exit poll procedures that we intend to implement. To avoid the allegation of partisan bias, we would recruit a known and respected Republican with a background in survey research and design and with reasonable knowledge of exit polling. Or someone known in academia as a scholar in exit polling or at the very least survey research methods, and known to vote Republican. (Both Warren and Freeman are nominal Democrats, although not particularly partisan.)

Additionally, we will need central coordination responsible for overseeing area coordinators and gathering and overseeing exit poll data at central headquarters.

5. 2. Political and demographical research

- Research necessary for putting together an exit poll in PA. (e.g., precinct data; polling places; district and precinct demographics; past voting history/election results; past exit poll data).

- Researching voting technologies, partisanship, and demographic features of precincts to obtain adequate numbers of precincts with key variables (e.g., Diebold DRE voting machines) that we want to test.

- Researching county boards for information (e.g. contact people, maps, and registration and turnout statistics).

- Research at the grass roots to find suspect precincts.

5. 3. Assemble and conduct a "Critic's Panel"

Survey research methodologists from the political left and right, especially those familiar with exit poll techniques, will be assembled to provide insights and criticisms of our proposed exit poll methodologies.

5.4. Recruit and Train interviewers

Training per se will not require additional money because it will be done by the management team and staff. Personnel from the management team and coordinator team can take responsibility for recruiting and training interviewers, as part of their job description, but interviewers have to be paid to attend session(s). We will recruit and train 20% more than anticipated Election Day staff necessary to account for attrition.

5.5. Rent & Equipment

- Office equipment for exit polling (e.g., software and computers, etc.).

5.6. Computer programming and processing of exit poll data

- SPSS specialists responsible for programming the questionnaire and processing the exit poll data.

5.7. Materials

Questionnaires
Ballot Boxes
Logos

5.8. Election Day costs

- Costs incurred for Exit poll interviewing, oversight

5.9. Data entry

- Data entry specialists responsible for organizing and entering the various data sets and merging the data.

- Data verification from field to central headquarters. Field supervisors would need to check data before calling it in or entering the data on location. Final verification would be made by data entry specialists and the exit poll management team at central headquarters.

5.10. Post-election Analysis and reports

- Maintenance and analysis of records.

- Technical help for editing, distribution, etc.

6. Professional Profiles

See attachment

References:

Asher, Herbert, *Polling and the Public: What Every Citizen Should Know*, 6th ed. (Washington, DC: Congressional Quarterly Press, 2004).

Best, Samuel J and Benjamin Radcliff (Eds.) (2005) *Polling America: An Encyclopedia of Public Opinion (vols. 1 and 2).* (Westport, CT: Greenwood)

Bjornlund, Eric C. (2004) "Beyond Free and Fair: Monitoring Elections and Building Democracy" (Washington, DC: Woodrow Wilson Center Press, and Baltimore, MD: The Johns Hopkins University Press)

Cantril, Albert H. *The Opinion Connection: Polling, Politics, and the Press.* (Washington, D.C.: Congressional Quarterly Press, 1991)

Conyers, John (2005) *Preserving Democracy: What Went Wrong in Ohio?* January 5, 2005, Status Report of the House Judiciary Committee Democratic Staff www.house.gov/judiciary_democrats/ohiostatusrept1505.pdf

DeHaven-Smith, Lance (2005) *The Battle for Florida: An Annotated Compendium of Materials from the 2000 Presidential Election (*Gainesville: University Press of Florida)

Democratic National Committee (2005) "Democracy at Risk: The 2004 Election in Ohio." June 22, 2005.Available at http://www.democrats.org/a/2005/06/democracy_at_ri.php

Edison Media Research and Mitofsky International (2005) "Evaluation of Edison/Mitofsky Election System 2004 prepared by Edison Media Research and Mitofsky International for the National Election Pool (NEP)." January 19, 2005 http://www.exit-poll.net/electionnight/EvaluationJan192005.pdf

Freeman, Steven F. (2004) "The Unexplained Exit Poll Discrepancy." University of Pennsylvania Graduate School of Arts and Sciences, Center for Organizational Dynamics Research Report, December 29, 2004. http://www.appliedresearch.us/sf/Documents (Originally released as Center for Organizational Dynamics working paper #04-09, November 9, 2004.)

  -- (2005a) "Hypotheses to Explain the 2004 US Presidential Exit Poll Discrepancy." University of Pennsylvania Graduate School of Arts and Sciences, Center for Organizational Dynamics Research Report, January 5, 2005 http://www.appliedresearch.us/sf/Hypotheses

-- (2005b) "Polling Bias or Corrupted Count? Accepted Improbabilities and Neglected Correlations in 2004 US Presidential Exit Poll Data." Presentation to the Fall Meeting of the American Statistical Association, Philadelphia Chapter, October 14, 2005. Published on the Internet at http://www.appliedresearch.us/sf/Documents/ASAP-Improbabilities051014.pdf

-- (2006) Presentation to the American Association of Public Opinion Research: Who really won -- and lost the 2004 US Presidential Election? (Montreal May 19, 2006) http://www.appliedresearch.us/sf/Documents/AAPOR.pdf

Freeman, Steven F. and Joel Bleifuss (2006) *Was the 2004 Presidential Election Stolen? Exit Polls, Election Fraud, and the Official Count.* (New York: Seven Stories Press)

Hitchens, Christopher (March 2005) Ohio's Odd Numbers, *Vanity Fair*

Kennedy, Jr., Robert F. (June 2, 2006) "Was the 2004 Election Stolen?" *Rolling Stone*

Loo, Dennis (2005) No Paper Trail Left Behind: the Theft of the 2004 Presidential Election. Project Censored Winning Article. http://www.projectcensored.org/newsflash/voter_fraud.html

Miller, Mark Crispin (2005) Fooled Again: How the Right Stole the 2004 Election, and Why They'll Steal the Next One Too (Unless We Stop Them). (New York: Basic Books). See also his Harper's article: "None Dare Call It Stolen: Ohio, the election, and America's servile press." August 2005. Excerpt available online at www.harpers.org/ExcerptNoneDare

Schiller, Jim (1999) "The 1997 Indonesian Elections: Festival of Democracy of Costly Fiction?" *Centre for Asia Pacific Initiatives*, University of Victoria, Occasional Paper #22

Thomas, Helen (2006) *Watchdogs of Democracy? The Waning Washington Press Corps and How It Has Failed the Public.* (New York: Simon & Schuster) See also "Lap Dogs of the Press" http://www.thenation.com/doc/20060327/thomas

Warren, Kenneth F. In Defense of Public Opinion Polling (Cambridge, Mass: Westview Press, 2003)

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1 Drawn largely from Warren J. Mitofsky and Murray Edelman, "Election Night Estimation: The Morris H. Hansen Lecture," Journal of Official Statistics 18 (2002): 165–79.

2 David Broder, *Behind the Front Page: A Candid Look at How the News is Made* (New York: Simon & Schuster 1987), p. 253.

3 Albert H. Cantril, *The Opinion Connection: Polling, Politics, and the Press.* (Washington, DC: Congressional Quarterly Press, 1991), chapter 3, "Why All Polls are Not Equal," 142.

4 Edwards III, George C., and Stephen J. Wayne *Presidential Leadership: Politics and Policy Making*, 5th ed. (New York: St. Martin's Press 1999) p. 215.

[5] Paul B. Carroll and Dianne Solis, "Zedillo's Apparently Clean Win at Polls Diminishes Threat of Mexican Unrest," *Wall Street Journal*, August 23, 1994

[6] Rebeca Rodriguez,"U.S. Political Consultants Signed to Conduct Exit Poll in Mexico," Knight Ridder Newspapers, June 16, 2000

[7] Molly Moore and John Anderson, "Mexican Power Shift Stirs Wide Celebration; Fox Election Victory Called 'Historic Turning Point,'" *Washington Post*, July 4, 2000, Final Edition

[8] John Plunkett, "Broadcasters Hail Success of Joint Poll," *Guardian* (London), May 6, 2005

[9] See Martin Plissner, "Exit Polls to Protect the Vote," *New York Times*, October 17, 2004. "Last fall, an American firm, whose polling clients have included Al Gore and John Edwards, was hired by some international foundations to conduct an exit poll in the former Soviet republic of Georgia during a parliamentary election. On Election Day, the firm, Global Strategy Group, projected a victory for the main opposition party. When the sitting government counted the votes, however, it announced that its own slate of candidates had won. Supporters of the opposition stormed the Parliament, and the president, Eduard A. Shevardnadze, later resigned under pressure from the United States and Russia."

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[10] Two exit polls were conducted in Ukraine: One, by a Ukranian group, SOCIS, put Yushchenko ahead by 49% to 46%.An exit poll conducted under a Western-funded program, funded in part by the United States, gave Yushchenko 54% of the vote to Yanukovych's 43%. (source: "Storm of Protest at Ukraine Result: Opposition Leader's Call to Defy Security Forces," CNN.com, November 22, 2004, http://www.cnn.com/2004/WORLD/europe/11/22/ukrainenew/

[11] Sen. Richard Lugar (R-Ind.), "Ukraine's Election: Next Steps," testimony before the House International Relations Committee, December 7, 2004

[12] Ambassador John Tefft, Deputy Assistant Secretary for European and Eurasian Affairs, "Ukraine's Election: Next Steps," testimony before the House International Relations Committee, Washington, D.C., December 7, 2004, http://www.state.gov/p/eur/rls/rm/39542.htm

13 Jimmy Carter, "Still Seeking a Fair Florida Vote," *Washington Post*, Monday, September 27, 2004.

[14] These were not isolated incidents. In her documentary of the 2004 election, "Who Counts" Dorothy Fadiman interviewed scores of voters in Ohio. She relates that in the Youngstown area, every single person she spoke to either directly experience this phenomenon or knew personally someone who did. These numbers are compatible with findings published in Democratic National Committee (2005) report – 26% of all voters and 52% of African American voters in the state experienced problems in the polls.

[15] The totals reported shortly after the election (*New York Times,* November 7, 2004) showed Bush ahead by 136,483 (2,796,147-2,659,664). That margin came down by 18,000 votes after some errors were corrected and provisional votes were included. (Ohio Secretary of State final official numbers: Bush 2,859,764, Kerry 2,741,165.)

16 Zogby Interactive, www.zogby.com, "Likely Voters 12/1/04 thru 12/3/04 MOE +/- 2.0 pct pts." "Question #11. Concerns have been expressed by some observers of the election that problems with counting the votes may have affected the results and deserve further investigation. Do you think these concerns are. . . Very valid: 725 (28.5%); Somewhat valid 357 (14.0%); Mostly invalid 615 (24.2%); Not at all valid 794 (31.2%); Not Sure 55 (2.2%); Total 2547 (100%)."

17 This is not always the case. In Washington State, the Republican Secretary of State certified the narrow victory by Democratic gubernatorial candidate, Christine Gregoire, over Republican Dino Rossi. He has, however, subsequently been shunned by his party.

18 Andrew Welsh-Huggins, "Independent Party Candidates Begin Recount Requests," *Associated Press*, December 8, 2004.

19 Sherole Eaton affidavit on file at the House Judiciary Committee:

On December 10, 2005, Michael Barbian Jr., a Triad field representative, came to the Hocking County elections office … I asked him why he was visiting us. He said, "to check out your tabulator, computer." . . . He proceeded to go to the room where our computer and tabulation machine is kept. . . . He stated that the computer was not coming up. I did see some commands at the lower left hand of the screen but no menu. He said that the battery in the computer was dead and that the stored information was gone. He said that he could put a patch on it and fix it. . . . He proceeded to take the computer apart and call his offices to get information to input into our computer. Our computer is 14 years old and as far as I know had always worked in the past. . . . [He] then asked me which precinct and the number of the precinct we were going to count. I told him, Good Hope 1 # 17. He went back into the tabulation room. Shortly after that he stated that the computer was ready for the recount. . . . He said not to turn the computer off until after the recount. . . . He advised Lisa and I on how to post a "cheat sheet" on the wall so that only the board members and staff would know about it and what the codes meant so the count would come out perfect and we wouldn't have to do a full hand recount of the county.

Douglas W. Jones, an election computer expert at the computer science department of the University of Iowa, Iowa City, was also concerned. He reviewed Eaton's affidavit and said in an affidavit of his own (on file at the House Judiciary Committee):

I have reviewed the Affidavit of Sherole L. Eaton . . . as well as the letter of Congressman John Conyers. . . . In light of this information, and given my expertise and research on voting technology issues and the integrity of ballot counting systems, it is my professional opinion that the incident in Hocking County, Ohio, threatens the overall integrity of the recount of the presidential election in Ohio.

20 DeHaven-Smith, xi-xii.

21 The election dispute of 1800 was followed by the 12th Amendment to the Constitution, and the dispute of 1876 spawned Title III of the federal code.

22 DeHaven-Smith, xv.

23 Freeman & Bleifuss, p. 29-31

24 Robert Parry, www.ConsortiumNews.com

25 Martin Plissner, "In Defense of Exit Polls: You just don't know how to use them," *Slate*, November 4, 2004

26 Lead pollster Warren Mitofsky has repeatedly said "The exit poll is a blunt instrument," that cannot be used to detect fraud (e.g., American Statistical Association, October 14, 2005.)

27 Tom Zeller, Jr., "Vote Fraud Theories, Spread by Blogs, Are Quickly Buried," *New York Times* (Front page); John Schwartz, "Mostly Good Reviews for Electronic Voting," New York Times; Keith Olbermann, MSNBC Countdown. All three on November 12, 2004

28 See http://www.vote.caltech.edu/media/documents/Addendum_Voting_Machines_Bush_Vote.pdf.

29 Warren Mitofsky is very influential in AAPOR. In 2005, he was the association's plenary speaker. In 2005 AAPOR adopted in its bylaws a "CODE OF PROFESSIONAL ETHICS AND PRACTICES" with a far more modest "Standards for Minimal Disclosure." (http://www.aapor.org/default.asp?page=about_aapor/bylaws_article9)

[30] We have this kind of information *only* for Ohio. NEP released "blurred" data from Ohio which still didn't identify the precinct, but did provide official count comparisons. This was not done for any other state.